

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 30, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE LEE JOHNSON (03) and  
CHERRISH IREAN JENSEN (04),

Defendants.

No. 1:20-cr-02030-SMJ-3  
1:20-cr-02030-SMJ-4

**ORDER CONTINUING TRIAL**

**AMENDED<sup>1</sup> CASE  
MANAGEMENT ORDER**

The Court held a pretrial conference in this matter on June 22, 2021. At the hearing, the Court granted Defendant Cherrish Irean Jensen's (04) oral motion to continue. Defense counsel Ulvar Wallace Klein requests a continuance of the pretrial motions filing deadline, the pretrial conference, and the trial, to allow more time to examine discovery, prepare any related motions, and prepare for trial, especially given the recent changes of plea by co-Defendants in this matter. Defendants Jesse Lee Johnson (03) and Jensen (04) support the requested continuance for the articulated reasons. ECF Nos. 165–167. Assistant United

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<sup>1</sup> This Order amends and supersedes in part the Court's November 23, 2020 Case Management Order, ECF No. 56, as to Defendants Johnson (03) and Jensen (04).

1 States Attorney Todd Swensen, appearing on behalf of the Government, did not  
2 oppose the requested continuance.

3 The Second Superseding Indictment was filed on November 17, 2020. ECF  
4 No. 115. Gregory Lee Scott appeared on behalf of Defendant Johnson (03) on  
5 November 20, 2020. ECF No. 46. Mr. Klein was appointed on behalf of  
6 Defendant Jensen (04) on November 19, 2020. ECF Nos. 23, 47. This is  
7 Defendant Jensen's (04) first request for a continuance and the third overall  
8 continuance.

9 To ensure defense counsel is afforded adequate time to review discovery,  
10 prepare any pretrial motions, conduct investigation, and prepare for trial, the Court  
11 grants the motion, extends the pretrial motion deadline, and resets the currently-  
12 scheduled pretrial conference and trial dates. The Court finds that Defendants'  
13 continuance requests are knowing, intelligent, and voluntary, and that the ends of  
14 justice served by granting a continuance outweigh the best interest of the public  
15 and Defendants in a speedy trial. The delay resulting from Defendant Jensen's  
16 (04) motion is therefore excluded under the Speedy Trial Act as to Defendants  
17 Johnson (03) and Jensen (04).

18 Counsel are advised that all successive continuance requests will be closely  
19 scrutinized for the necessity of more time to effectively prepare, taking into  
20 account the exercise of due diligence.

1 Having considered the parties' proposed case schedule and deadlines, the  
2 Court now enters the following Amended Case Management Order, which sets  
3 forth the deadlines, hearings, and requirements the parties will observe in this  
4 matter. To the extent this Order conflicts with any previously entered Orders in  
5 this matter, this Order shall govern. All counsel are expected to carefully read and  
6 abide by this Order and such provisions of the current CMO which have not been  
7 superseded hereby. The Court will grant relief from the requirements in this Order  
8 only upon motion and good cause shown.

9 Accordingly, **IT IS HEREBY ORDERED:**

- 10 1. Defendant Jensen's (04) oral motion to continue is **GRANTED**.
  - 11 2. The Court finds, given defense counsels' need for time to review  
12 discovery, prepare any pretrial motions, conduct investigation, and  
13 prepare for trial, that failing to grant a continuance would result in a  
14 miscarriage of justice and would deny defense counsel the reasonable  
15 time necessary for effective preparation, taking into account the  
16 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i),(iv). The  
17 Court, therefore, finds the ends of justice served by granting a  
18 continuance in this matter outweigh the best interest of the public and  
19 Defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).
- 20

1       **3. Original CMO.** Counsel for all Defendants must review the  
2       provisions of the original November 23, 2020 CMO, ECF No. 56,  
3       and abide by those procedures which remain in full force and effect  
4       and are incorporated herein except for the new compliance deadlines  
5       in the following Summary of Amended Deadlines.

6       **4. Pretrial Conference**

7       **A.** A pretrial conference is **SET for September 21, 2021 at 11:00**  
8       **A.M. in YAKIMA.** At this hearing, the Court will hear **ALL**  
9       pretrial motions that are noted for oral argument.

10       **B.** All Pretrial Conferences are scheduled to last no more than  
11       **thirty (30) minutes**, with each side allotted **fifteen (15)**  
12       **minutes** to present their own motions and resist motions by  
13       opposing counsel. If any party anticipates requiring longer than  
14       fifteen minutes, that party must notify the Courtroom Deputy  
15       at least seven (7) days prior to the hearing. **Any party who**  
16       **fails to provide this notice will be limited to fifteen (15)**  
17       **minutes.**

18       **5. Trial.** The current trial date of July 19, 2021 is **STRICKEN** and  
19       **RESET to October 25, 2021, at 9:00 A.M. in YAKIMA.** The **final**  
20       pretrial conference will begin at **8:30 A.M.**

6. Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court  
**DECLARES EXCLUDABLE** from Speedy Trial Act calculations  
as to **Defendants Johnson (03) and Jensen (04)** the period from  
**June 22, 2021**, the date defense counsel for Defendant Jensen (04)  
moved to continue, through **October 25, 2021**, the new trial date, as  
the period of delay granted for adequate preparation by counsel.

7. **Summary of Deadlines**

All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	<b>August 17, 2021</b>
<b>PRETRIAL CONFERENCE</b> <b><i>Deadline for motions to continue trial</i></b>	<b>September 21, 2021</b> <b>11:00 A.M. - YAKIMA</b>
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	<b>October 11, 2021</b>
Grand jury transcripts produced to Defendant Case Agent: CIs: Other Witnesses:	<b>October 11, 2021</b> <b>October 11, 2021</b> <b>October 11, 2021</b>
Exhibit lists filed and emailed to the Court	<b>October 15, 2021</b>
Witness lists filed and emailed to the Court	<b>October 15, 2021</b>
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	<b>October 13, 2021</b>
Exhibit binders delivered to all parties and to the Court	<b>October 15, 2021</b>
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	<b>October 15, 2021</b>
Trial notices filed with the Court	<b>October 15, 2021</b>
Technology readiness meeting (in-person)	<b>October 18, 2021</b>

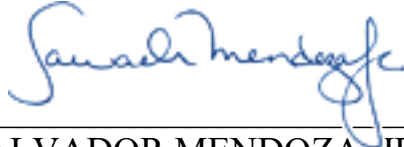
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1 **JURY TRIAL**

**October 25, 2021**  
**9:00 A.M. - YAKIMA**

2 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
3 and provide copies to all counsel, the U.S. Probation Office, and the U.S.  
4 Marshals Service.  
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6 **DATED** this 30<sup>th</sup> day of June 2021.

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8 SALVADOR MENDOZA, JR.  
United States District Judge  
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